

Where the husband has no estate, there can be no alimony. Standing of the wife to attack conveyances by the husband, in fraud of her rights. *Feigley v. Feigley*, 7 Md. 537.

Alimony may be granted where there is no divorce. *Jamison v. Jamison*, 4 Md. Ch. 295; *Dunnock v. Dunnock*, 3 Md. Ch. 143. And see *Wright v. Wright*, 2 Md. 449; *Crane v. Meginnis*, 1 G. & J. 475.

Alimony may only be granted in cases which justify a divorce *a mensa*. *Wagoner v. Wagoner*, 77 Md. 195; *Helms v. Franciscus*, 2 Bl. 565. Cf. *Jamison v. Jamison*, 4 Md. Ch. 294.

Alimony may be allowed a wife after an appeal by her from an order dismissing her bill for divorce. *Rohrback v. Rohrback*, 75 Md. 319.

The decisions of the English ecclesiastical courts constitute precedents in applications under this section. Effect of a voluntary deed of separation upon an application for divorce. *J. G. v. H. G.*, 33 Md. 406.

Cited but not construed in *Barber v. Barber*, 21 How. 597.

As to divorce, see sec. 36, *et seq.*

1904, art. 16, sec. 15. 1888, art. 16, sec. 15. 1860, art. 16, sec. 15.

1841, ch. 262, sec. 3.

15. In cases where a divorce is decreed, alimony may be awarded.

1908, ch. 324.

16. In any decree for divorce against a non-resident, where alimony is prayed in the bill of complaint, and the same sets forth that the non-resident defendant is possessed of property in the State, the court shall have full authority to award alimony, and any property in the State of any person against whom alimony may be so awarded shall be liable for the same and subject to such decree as the court may pass in the premises. Any order of the court awarding alimony *pendente lite* shall have the same force and effect as in decree for divorce.

Amendment.

Ibid. sec. 16. 1888, art. 16, sec. 16. 1860, art. 16, sec. 16. 1854, ch. 230.

17. Upon application of either plaintiff or defendant to any court of equity, he shall have the right, upon payment of such costs as the court may direct, to amend at any time before final decree, the bill of complaint, answer, pleas, demurrers, or any of the proceedings in any cause before the court, so as to bring the merits of the case in controversy fairly to trial.

This section was intended to enlarge the time within which amendments might be made. There is no appeal from the action of the court upon an application to amend. *Snook v. Munday*, 96 Md. 515; *Calvert v. Carter*, 18 Md. 107; *Warren v. Twilley*, 10 Md. 46.

Where no laches can be imputed to the applicant, new facts having been discovered during the progress of the cause, leave should be granted to amend, though the matter is within the discretion of the trial court. *Glenn v. Clarke*, 13 Md. 602.

Prior to the adoption of this section, an application for an amendment rested in the sound discretion of the chancellor, and there was no appeal. *Thomas v. Doub*, 1 Md. 252.

A bill for a sale of property under section 137, may be converted by amendment into a bill for partition. *Watson v. Godwin*, 4 Md. Ch. 28.

As to when a defendant who has answered the original bill, need not answer the amended bill, see *Fitzhugh v. McPherson*, 9 G. & J. 51. And see *Thomas v. The Visitors, etc.*, 7 G. & J. 369.